

REMARKS/ARGUMENTS

Reconsideration of the above-identified application is respectfully requested. As shown above, an amendment to claim 3 is currently presented for consideration. All other claims, 1-2 and 4-20 remain unchanged as originally submitted. With the amendment to claim 3, there are now 3 independent claims (claims 1, 3, and 11) in this case and 20 total claims. Therefore, no additional claim fees are due.

Enclosed herewith, Applicant's Attorney submits a PTO Form SB22 requesting a two month extension of time under 37 CFR 1.136(a) to submit this reply to the instant office action of January 26, 2005.

In the instant office action, the Examiner has allowed claims 11-20, rejected claims 1, 2 and 7-10, and objected to claims 3-6.

Objection to claims 3-6:

The Examiner states that claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant's Attorney notes that, as originally filed, claim 1 is an independent claim, claim 2 depends from claim 1, claim 3 depends from claim 2, claim 4 depends from claim 3, claim 5 depends from claim 4, and claim 6 depends from claim 5. Applicant's Attorney has combined the language of claims 1 and 2 and inserted that language at the start of currently amended claim 3 and has deleted the appropriate dependency language from claim 3 so that claim 3 is now an independent claim including all of the limitations of the base claim 1 and intervening claim 2. Therefore, Applicant's Attorney respectfully submits that claims 3-6 are currently allowable and requests that the Examiner withdraw the instant objection.

Rejection of claims 1, 2, and 7-10:

In the instant office action, the Examiner has rejected claims 1, 2 and 7-10 under 35 USC § 102(e) as being anticipated by Crum et al. Publication No. US 2003/0049403A1 ("Crum"). As explained herein, Applicant respectfully traverses this rejection and, based on the arguments

herein, requests reconsideration of this rejection.

The Examiner states that Crum discloses a flexible magnetic layer 59 having adhesive fixed to a lower surface thereof and lines of weakness 70, 78, 84 which include perforations or score lines, formed in the magnetic layer. The Examiner refers to Crum Figures 1 and 2 and para [0031]. In contrast, Applicant's claim 1 requires the flexible magnet to have "an adhesive layer affixed to said lower surface". As is shown in the Figures and described particularly in Applicant's specification paragraphs [0065] and [0066], a "layer" covers the underneath side of the flexible magnet. For example, para [0066], lines 4-7 state:

A layer 70 of the adhesive material is applied to a liner 8. A layer of magnetic material is then applied over the liner 8 onto the adhesive layer 70.

While Crum discloses the use of adhesive 44 placed at the very top of a magnetic component 24 to attach the very top of the magnetic component 24 to the very bottom of a carrier component 22, the magnetic component 24 does not have "an adhesive layer affixed to said lower surface". In Crum para [0031], the magnetic material is identified by 59, a laminate coating 61 is identified as being applied to the front face 60 of the magnetic material 59, the laminate 61 to be imprinted, and 62 identifies the back face of the magnet. From this description, and Figure 2, the adhesive 44 at the very top of the magnetic component 24 is not on the magnetic material 59, it is on the laminate coating 61. Further, the adhesive 44 is not on the lower surface (back face 62) of magnetic material 59, it is on the front which is to be imprinted. Further, applying adhesive 44 in a layer to cover laminate coating 61 would interfere with any imprinting. Therefore, Applicant's Attorney respectfully submits that the Crum reference does not anticipate Applicant's claim 1 as the adhesive 44 is not on the magnet lower surface (back face 62) and adhesive 44 is not an "adhesive layer". Applicant's Attorney requests that the instant rejection of Claim 1 under 35 USC § 102 be withdrawn.

As claims 2 and 7-10 each depend directly from claim 1, based upon the above arguments that Crum does not anticipate claim 1, the instant rejection of claims 2 and 7-10 should also be withdrawn.

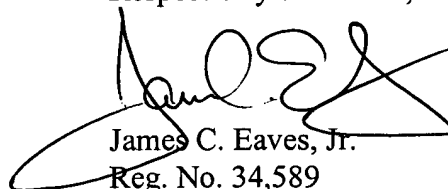
Appl. No. 10/787,055
Amdt. dated June 27, 2005
Reply to Office Action of Jan. 26, 2005

Applicant's claimed invention is a "magnetic wafer seal". The Examiner states that the term "wafer seal" does not distinguish the invention over the prior art because it does not provide any patentably distinguishing features to the claimed article. The cited prior art is the "composite form with imprintable magnetic card" of Crum. As argued above, Crum does not anticipate Applicant's claimed invention. Crum does not teach a wafer seal having an adhesive layer on its lower surface.

The Examiner addresses the ability to fold, stating that the laminate of Crum is capable of being folded at the lines of weakness in view of the flexible properties of the magnetic layer. Applicant's Attorney respectfully submits that nothing in Crum teaches or suggests folding. Crum para [0002] teaches that the carrier component and the magnetic component are designed for imprinting. This implies that you would not fold the magnetic material. Applicant's Attorney assumes that the Examiner, in discussing folding, is referring to claim 7. Claim 7 states that the magnetic wafer seal, being folded along said line of weakness, will hold two sides of a folded piece together. Crum will not do that as there is no adhesive layer to hold two sides of a folded piece together.

In summary, based on the above, it is respectfully requested that the Examiner withdraw the objection to claims 3-6 and the rejection of claims 1, 2, and 7-10 and allow claims 1-20. Should the Examiner have questions, he can contact Applicant's Attorney at 502-587-3724.

Respectfully submitted,



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cc: Mr. John J. Martin